Application No. 10/740,748   - 8 -   Docket No.: M1103.70168US00
Amendment dated July 8, 2009
Reply to Final Office Action of April 8, 2009

REMARKS

In response to the Final Office Action mailed April 8, 2009, Applicants respectfully request reconsideration and entry of this amendment. Claims 7 and 11-31 were previously pending in this application. By this amendment, claims 7, 19 and 24 have been amended. As a result, claims 7 and 11-31 are pending for examination with claims 7, 19 and 24 being independent. No new matter has been added.

Response to Arguments

On page 2, with respect to an amendment made by Applicants to each of independent claims 7, 19 and 24 in a response to the Office Action mailed October 14, 2008, stating "wherein, when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and, when parameters of the application match a condition in an application rule of the policy object model, at least one template is instantiated using at least the stored local port to create at least one policy for the application," the Office Action notes that "[b]ecause the limitation 'wherein' and the application is never actually initiated or referenced the remaining claim, the limitation can be treated as intended use." Applicants respectfully disagree.

First, Applicants respectfully note that the Examiner has not indicated any authority (e.g., MPEP provision, statute, rule, case law, etc.) which provided support regarding the Examiner's assertion that the above limitation can be "treated as intended use" because "the application is never actually initiated or referenced the remaining claim," as stated, somewhat unclear, in the Office Action.

Second, Applicants have amended independent claims 7, 19, and 24 to address the Examiner's concerns with respect to a "wherein" clause recited as part of the above limitation.

Further, the Office Actions states that the above limitation of each of independent claims 7, 19 and 24 is "anticipated by when an application level firewall communication using TCP/IP using a rules database." Applicants have addressed these allegations below.

Accordingly, Applicants believe that the Examiner's response to the arguments made in response to the Office Action mailed October 14, 2008 have been addressed.

Rejections Under 35 U.S.C. §112

The Office Action rejected claims 7 and 11-31 under 35 U.S.C. §112, first paragraph, as purportedly failing to comply with the written description requirement. In particular, on page 3, the Office Action states that "Applicant has amended claims 7, 19, 24 to include the limitation "when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and, when parameters of the application match a condition in an application rule of the policy object model, at least one template is instantiated using at least the stored local port to create at least one policy for the application. The Applicant has cited pg. 73-74 of Exhibit C of the Specification as support. *While the cited section seems to enable an instantiation of a template, there does not seem to be any support for a creation of a policy as claimed*" (emphasis added). Applicants respectfully disagree.

As an aid to the Examiner, Applicants provide below a brief explanation of one embodiment describing the above limitation. This explanation is not intended as a substitute for reading the application in its entirety and is not intended to characterize the claims or any terms used in the claims, which are discussed individually below.

Applicants respectfully indicate that page 73 (Exhibit C) of Applicants' specification, includes an abstract class System. Firewall. **Policy**.InstantiationTemplate (emphasis added). Thus, as would be understood by one of skill in the art, an instantiation template is a template to create a policy and page 73 of Applicants' specification provides adequate support for creation of at least one policy for the application as recited in each of independent claims 7, 19 and 24.

Further, page 73 of Applicants' specification includes TransportTemplate, IPSecTemplate, and IPSecAuthorizationTemplate that are instantiation templates, as also described on page 74. None of the templates take a local port as a parameter. Instead, the templates use a respective "get" method to obtain the local port, which indicates that the local port condition is generated and a user does not specify a local port number.

For example, the IPSec Template includes a following method:

"public IPSecTemplate (IPSecAction, IPAdressValue remoteAddress, UIntl16Value protocol, UIntl16Value remotePort);"
(emphasis added).

As shown, this template takes, among other parameters, a remote port *remotePort* as a value *UIntl16Value*. The template does not take a local port parameter which is, as described on page 74, available. Indeed, on page 74 of Exhibit C, it is stated that "[w]hen client instantiation takes place, the full 5-tuple is available to instantiate the template. On the other hand, if it is not a client instantiation, only local 3-tuple, i.e. local address, protocol, and *local port, available*" (emphasis added).

In addition, page 75 of Applicants' specification describes an application action. The ApplicationAction has an InstantiationTemplates collection that can be get or set. Further, on page 76 of Applicants' specification there is a description of the "GetTemplates" method which returns a list of instantiation templates that will be created when an application action takes place.

<div align="center">Rejections Under 35 U.S.C. §103</div>

The Office Action rejected claims 7-31 under 35 U.S.C. §103(a) as allegedly being unpatentable over Terzis, U.S. Patent Publication No. 2004/0243835 (hereinafter "Terzis") in view of Lambert, U.S. Patent Publication No. 2002/0099952 (hereinafter "Lambert"). Applicants respectfully disagree. The cited references do not teach or suggest all of the limitations of independent claims 7, 19 and 24.

A.   Independent Claim 7

Independent claim 7, as amended, recites, *inter alia*, when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port to create at least one policy for the application.

On page 6, while rejecting claim 7, the Office Action states that Terzis teaches the above limitation of claim 7 and cites to "Figure 14 and associated text shows L7 (Application layer) rules DB. Also see Paragraphs [0086], [0089], [0117], [0129]." Terzis describes that the policy engine 1420 provides L7 rules to the launch-pad 1425 and the L7 Rules DB 1430 and L3/4 rules to the L3/L4 DB 1435 (Terzis, Fig. 14; page 8. [0101]). However, while Terzis describes, in connection with Fig. 14, a L7 rules database 1430, this does not mean that Terzis teaches "when

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an application is initiated and binds a socket to a local port, at least the local port from the socket

is stored, and when parameters of the application match a condition in an application rule of the

policy object model, instantiating at least one template using at least the stored local port to

create at least one policy for the application," as recited in claim 7. Further, Terzis does not

teach or suggest the above limitation in the cited portions. In fact, nowhere does Terzis even

mention instantiating at least one template using at least the stored local port. In addition,

nowhere does Terzis mention a local port. Lambert does not cure the deficiency of Terzis.

Further, on page 6, the Office Action appears to further provide support for the rejection

of claim 7 and states the following:

> "(Figure 6 of Terzis shows the Policy Object class, 600. Under the Policy Object is
> the Policy Component 610 and the Policy Rule 670. One of the PolicyRules is Resource
> AccessRule 675 which includes "AllowIdentifiers, DenyIdentifiers, and Log."
> According to Paragraph [0105] Policy Object 600 is an "abstract base class."
> Paragraph [0118] teaches Policy Rules 670 is "an abstract class that all policy rules derive
> from."
> As such, Terzis teaches "wherein the policy object model comprises a plurality
> of policy action classes representing at least a deny, permit and log actions on the service
> of on at least one packet.")"

Applicants respectfully submit that claim 7 does not recite "at least a deny, permit and

log actions on the service." Moreover, as should be understood by one of skill in the art, the

above portions of Terzis are quite different from "when an application is initiated and binds a

socket to a local port, at least the local port from the socket is stored, and when parameters of the

application match a condition in an application rule of the policy object model, instantiating at

least one template using at least the stored local port to create at least one policy for the

application," as recited in claim 7.

In view of the above, claim 7 patentably distinguishes over Terzis and Lambert, either

alone or in combination.

Claims 11-18 depend from claim 7 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 7 and 11-18 is respectfully requested.

B.   Independent Claim 19

Claim 19, as amended, recites, *inter alia*, when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and, when parameters of the application match a condition in an application rule of the policy object model, instantiating at least one template using at least the stored local port to create at least one policy for the application.

On page 13, the Office Action appears to state that Terzis teaches this limitation of claim 19 and cites to the same portions of Terzis as those cited in connection with claim 7. As should be clear from the above discussion of the references, neither Terzis nor Lambert teaches or suggests this limitation of claim 19.

In view of the above, claim 19 patentably distinguishes over Terzis and Lambert, either alone or in combination.

Claims 20-23 depend from claim 19 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 19-23 is respectfully requested.

C.   Independent Claim 24

Claim 24, as amended, recites, *inter alia*, when an application is initiated and binds a socket to a local port, at least the local port from the socket is stored, and, when parameters of the application match a condition in an application rule of the policy object model, instantiate at least one template using at least the stored local port to create at least one policy for the application

On page 19, the Office Action appears to state that Terzis teaches this limitation of claim 24 and cites to the same portions of Terzis as those cited in connection with claim 7. As should be clear from the above discussion of the references, neither Terzis nor Lambert teaches or suggests this limitation of claim 24.

In view of the above, claim 24 patentably distinguishes over Terzis and Lambert, either alone or in combination.

Claims 25-31 depend from claim 24 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 24-31 is respectfully requested.
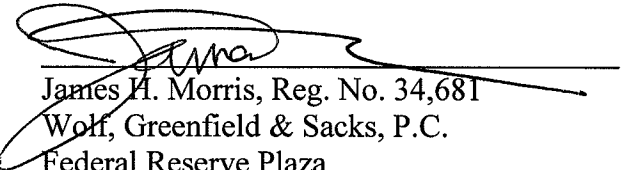
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70168US00.

Dated: July 7, 2009

Respectfully submitted,

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